

ATTACHMENT B

Copy of the DoD and EPA Letter sent to Congress on May 5, 1998

MAY 5 1998

Honorable John H. Chafee
United States Senate
Dirksen Senate Office Building
Washington, D.C. 20510-3902

Dear Senator Chafee:

The Clinton Administration is committed to cleaning up contaminated federal facilities to protect public health and the environment, and significant progress is being made in cleaning up these facilities. We are concerned that the waiver of sovereign immunity amendment, added to S. 8 at the full committee markup, could undermine this cleanup progress. Therefore, the Administration cannot support the waiver of sovereign immunity amendment.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), contains a waiver of sovereign immunity which works well. Under the current Superfund program, the same cleanup standards are being applied at federal facilities, as are being applied at private sites. Under current law, the Department of Defense and other federal agencies comply with the substantive cleanup requirements of state law. The Environmental Protection Agency, states, and citizens can enforce against a federal facility for failing to comply with provisions of agreements. We are concerned that the waiver of sovereign immunity amendment could result in different cleanup requirements specifically for federal facilities. As stated in the Administration's May 7, 1997, Superfund Legislative Principles, we oppose legislation directed specifically at federal facilities.

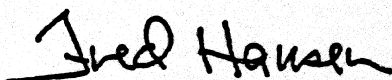
The Department of Defense and other federal agencies currently prioritize contaminated sites based on risk, as well as other important factors. Cleanup decisions take into account human health and environmental risk, potential future land use, cultural, social and economic factors, environmental justice, and Native American treaty and trust responsibilities. The cleanup decision-making process is a cooperative one with states, tribes, and local communities. The provisions in the waiver of sovereign immunity amendment could disrupt the current cleanup decision-making process, which is working well, and lead to new disputes and cleanup delays.

After more than a decade of effort and a nearly \$17 billion investment, the Department of Defense has achieved response complete at 15,265 of the 27,454 contaminated sites identified by the Department. We cannot support legislative provisions that could undermine this significant progress.

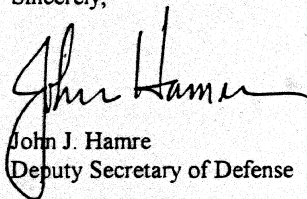
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We would be happy to meet with you to discuss our concerns with the waiver of sovereign immunity amendment. We appreciate your support of our environmental cleanup programs.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fred Hansen". The signature is fluid and cursive, with the first name "Fred" written in a larger, more prominent script than the last name "Hansen".

Fred Hansen
Deputy Administrator
Environmental Protection Agency

A handwritten signature in dark ink, appearing to read "John J. Hamre". The signature is fluid and cursive, with the first name "John" written in a larger, more prominent script than the last name "Hamre".

John J. Hamre
Deputy Secretary of Defense